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February 5, 2018

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
999 First Street, N.E.
Washington, D.C. 20426

Re: Mountain Valley Pipeline, LLC (Docket No. CP-10-000; OEP/DG2E/G3)

Dear Ms. Bose:

The Nature Conservancy (TNC) replies to Mountain Valley Pipeline, LLC's (MVP) "Supplemental Materials," eLibrary no. 20180202-5191 (Feb. 2, 2018). In its filing, MVP states that Attachment A is a "Supplement to Implementation Plan regarding Environmental Condition No. 32 (Note: this completes Mountain Valley's implementation of Environmental Condition no. 32)." *Id.*, p. 1. Attachment A to this filing consists of a cover page and an email, dated February 1, 2018, from Jena S. Mier, NextEra Energy, to Judy Dunscomb, TNC, attaching a route map across the Woltz Conservation Easement. TNC respectfully submits that this filing does not satisfy Environmental Condition No. 32 of the "Order Issuing Certificates and Granting Abandonment Authority" (Certificate Order).

Environmental Condition 32 states: "**Prior to construction**, Mountain Valley shall file with the Secretary documentation that The Nature Conservancy (TNC) Property Crossing Plan was provided to the TNC for review and comment. (*section 4.8.2.4*)." In "Post-Certificate Environmental Information Request # 1," Office of Energy Projects directed MVP to provide a "copy of the Crossing Plan for The Nature Conservancy Property. In addition, **document that a copy of the crossing plan, not just shapefiles**, was provided to The Nature Conservancy for review, and file any comments on the plan from The Nature Conservancy." eLibrary no. 20171226-3020 (Dec. 26, 2017), Enclosure, Item 2, p. 1 (emphasis added). On January 5, 2018, MVP responded that it had filed the crossing plan with the Commission on April 21, 2016, and that TNC had commented on that filing. Letter from Matthew Eggerding, MVP, to Secretary Kimberly D. Bose, eLibrary no. 20180105-5141 (Jan. 5, 2018), Item 2, p. 3. On January 11, TNC replied that the prior filing had consisted of a route map, but not a crossing plan. The Environmental Information Request no. 1 clearly distinguished between a crossing plan and "shapefiles."¹ We explained:

¹ "The shapefile format is a popular geospatial vector data format for geographic information system (GIS) software. It is developed and regulated by Esri as a (mostly) open specification for data interoperability among Esri and other GIS software products. The shapefile format can spatially describe vector features: points, lines, and

Kimberly D. Bose
February 5, 2018
Page 2

“a crossing plan is more than a digital map. A crossing plan must include measures to avoid or minimize impacts on scenic, historic, wildlife, and recreational values of a property. *See* 18 C.F.R. §§ 380.15(a) – (b), 380.12(e)(7), 380.12(j)(9). And the Commission’s rules provide for consultation between the applicant and landowner, not just an exchange of paper, in the development of the plan. *See* 18 C.F.R. § 380.15(b).”

Letter from Richard Roos-Collins, WPLG, to Secretary Kimberly D. Bose, eLibrary no. 20180105-5102 (Jan. 11, 2018).

The Supplemental Materials do not cure the deficiency. Attachment A includes a route map and an email, stating that the map is “*no different from the original plan that was filed on the FERC docket on April 21, 2016 except that the mileposts have changed slightly.*” Email from Jena S. Mier, NextEra Energy (Feb. 1, 2018), *supra* (emphasis added). The attachment does not state any avoidance or minimization measures. Further, the updated map appears to show an incorrect flow direction of Bottom Creek at the pipeline crossing. It shows an additional temporary workspace (ATWS) adjacent to Dry Fork near the western property boundary but does not state any associated protective measures. It shows route but not design at stream crossings of Dry Fork and Bottom Creek. Further, while NextEra representatives have sent emails on MVP’s behalf, and TNC has responded in kind, MVP still has not responded to TNC’s request for consultation as to the substantive content of a crossing plan for the Woltz Conservation Easement.

As of this date, MVP has not complied with Environmental Condition 32. As previously stated, TNC remains ready to review a proposed crossing plan, consult with MVP regarding proposed avoidance and minimization measures, and report to the Commission on the results of that consultation.

Respectfully submitted,



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polygons, representing, for example, water wells, rivers, and lakes. Each item usually has attributes that describe it, such as name or temperature.’ Wikipedia (visited February 5, 2018), <https://en.wikipedia.org/wiki/Shapefile>.

Document Content(s)

20180205.TNC.MVPCrossingPlan.PDF.....1-2